UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,862	11/20/2000	Jarir K. Chaar	YOR920000814US1	8279

7590 02/26/2004	**EXAMINER**
Louis J. Percello,	MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
2154	3

Louis J. Percello,
Intellectual Property Law Dept.
IBM Corporation
P.O. Box 218,
Yorktown Heights, NY   10598

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/716,862	CHAAR ET AL.
	Examiner	Art Unit	
	Farhood Moslehi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*20 November 2000*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-22 are presented for examination.

Claim Objections

2.   Claim 5 is objected to because of the following informalities: Claim 5, can not

refer to itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-14 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated

by Bowman-Amuah (6,147,975).

5.   As per claim 1, Bowman-Amuah describes an e-business service level

agreement (SLA) management system for managing the operations of QoS-assured e-

business service system comprising:

One or more service-level monitors that monitor a quality measure of one or more

monitored systems and generate one or more events when the monitored system does

not conform to the respective quality measure (e.g. col. 22, lines 15-24); a cross SLA

event manager that receives the events and determines which of one or more service

(SLA) contracts are affected by the events, the SLA governing the use of one or more of

the monitored systems (e.g. col. 22, lines 33-37); and one or more SLA management

object (SMO) that tracks the events according to each of the respective SLA contracts

(e.g. col. 22, lines 6-15).

6.   As per claim 20, it is rejected for similar reasons as stated above.

7.   As per claim 21, it is rejected for similar reasons as stated above.

8.   As per claim 22, it is rejected for similar reasons as stated above.

9.   As per claim 2, Bowman-Amuah describes a SLA management system, where

the SMO determines and executes service management actions for every service-level

management event received (e.g. col. 22, lines 37-47).

10.   As per claim 3, Bowman-Amuah describes a SLA management system, where

the service management actions include any one or more of the following: installation of

a new server, installing computer software, reconfiguring one or more quality measures,

notifying a service personnel, and remove a service from the monitored system (e.g.

col. 21, lines 37-41).

11.   As per claim 4, Bowman-Amuah describes a SLA management system, where

the SMO determines additional required resources (e.g. col. 21, lines 44-48).

12.   As per claim 5, Bowman-Amuah describes a SLA management system, where

the additional required resources are determined by the provider (e.g. col. 5 lines 45-

50).

13.   As per claim 6, Bowman-Amuah describes a SLA management system, where the additional required resources are determined by the SLA contract (e.g. col. 22, lines 62-67. It is inherent that if additional resources are needed then SLA needs to be amended).

14.   As per claim 7, Bowman-Amuah describes a SLA management system, where the SMO maps the events to actions (e.g. col. 21, lines 39-48).

15.   As per claim 8, Bowman-Amuah describes a SLA management system, where the quality measures are changed according to data accessed by the SMO (e.g. col. 22, lines 49-58).

16.   As per claim 9, it is rejected for similar reasons as stated above.

17.   As per claim 10, Bowman-Amuah describes a SLA management system, where the events include a SLA specified event (e.g. col. 22, lines 19-22).

18.   As per claim 11, Bowman-Amuah describes a SLA management system, where the SLA specified events include any one or more of the following: monitored system available, monitored system transaction response time, monitored system device time, monitored system problem resolution response time, network connection bandwidth, and capacity on demand latency (e.g. col. 22, lines 23-28).

19.   As per claim 12, Bowman-Amuah describes a SLA management system, where the events are a provider determined service level management monitoring events (e.g. col. 22, lines 29-37).

20.   As per claim 13, Bowman-Amuah describes a SLA management system, where the service level management monitoring events include any one or more of the

following: monitored system available, monitored system transaction response time,

monitored system service time, monitored system problem resolution response time,

network connection bandwidth, capacity on demand latency, a monitored system trend

of one or more of the quality measures (e.g. col. 23, lines 36-46).

21.   As per claim 14, Bowman-Amuah describes a SLA management system, where

the quality measure includes any one or more of the following: monitored system

available, monitored system transaction response time, monitored system device time,

monitored system problem resolution response time, network connection bandwidth,

capacity on demand latency, a monitored system trend of one or more of the quality

measures (e.g. col. 23, lines 1-15).

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

23.   Claims 15 and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bowman-Amuah in view of Forget et al. (6,490,621) (hereinafter Forget).

24.   As per claim 15, Bowman-Amuah does not specifically discuss a SLA

management system, further comprising: a cross-SLA resource manager that

determines how to provide one or more service management resources to meet one or

more SMO resource requests. Forget teaches a SLA management system, further

comprising: a cross-SLA resource manager that determines how to provide one or more

service management resources to meet one or more SMO resource requests (e.g. col. 4, lines 30-40). It would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Bowman-Amuah with Forget. The motivation would have been as explained by Forget that SLA management has to be aware of system resources in order to manage system resources properly.

25.   As per claim 16, Bowman-Amuah does not specifically teach a SLA management system, where the service management resources include any one or more of the following: one or more service personnel, one or more computing resources, one or more computer programs, and one or more computer hardware components. Forget teaches a SLA management system, where the service management resources include any one or more of the following: one or more service personnel, one or more computing resources, one or more computer programs, and one or more computer hardware components (e.g. Figure 2). It would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Bowman-Amuah with Forget. The motivation would have been as explained by Forget that SLA management has to be aware of system resources in order to manage system resources properly.

26.   Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah in view of Forget as applied to claim 15 above, and further in view of Bhoj et al. (6,304,892) (hereinafter Bhoj).

27.   As per claim 17, Bowman-Amuah in combination with Forget do not specifically teach A SLA management system, where the SLA cross resource manager determination is based on one or more of the following: The provider's SLA

management objective for a set of the established SLA contracts, a business assessment value of each resource allocation request by one or more SMOs, and a business assessment value of each resource allocation request calculated by the cross-SLA resource manager. Bhoj clearly teaches A SLA management system, where the SLA cross resource manager determination is based on one or more of the following: The provider's SLA management objective for a set of the established SLA contracts, a business assessment value of each resource allocation request by one or more SMOs, and a business assessment value of each resource allocation request calculated by the cross-SLA resource manager (e.g. col. 6, lines 15-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman-Amuah, Forget and Bhoj. The motivation would have been to manage system resources based on the provider's established contracts.

28.   As per claim 18, Bowman-Amuah in combination with Forget do not specifically teach a SLA management system, further comprising an SMO manager that manages the life cycle of one or more of the SMOs. Bhoj teaches a SLA management system, further comprising an SMO manager that manages the life cycle of one or more of the SMOs (e.g. col. 6, lines 63-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman-Amuah, Forget and Bhoj. The motivation would have been for SLA contracts to be managed as machine readable objects.

29.   As per claim 19, it is rejected for similar reasons as stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100